THE HONOURABLE SMT JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

W.V.M.P.No.427 of 2007
AND
WRIT PETITION No. 1314 OF 2006

COMMON ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed questioning the Orders of the learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No. 191 of 2003, dated 28.4.2005.

While admitting the writ petition, Interim suspension has been granted by this Court on 27.1.2006 and a vacate petition is filed by the Petitioner in W.V.M.P.No.427 of 2007. It is coming up for hearing today. However, the tribunal has passed an Order directing the respondents to consider the case of the applicant for absorption/regularization for the post of Inspector of Works(Gr.III) or Draughtsman/J.E.II Works in the scale of Rs. 5,000-8,000 after determining the suitability for empanelment to the said post by following the selection process for the said post.

Heard both sides.

It is the contention of the learned counsel for the respondent that the respondent has retired on 30.4.2007. But, however, the Petition filed by the petitioner before the tribunal claiming the relief of consideration of his case for absorption to the post of Work Inspector Grade-III in the scale of Rs.5,000/- was allowed, whereas the department is not implementing the said Order by considering his case. But, however, the tribunal has passed the Order of rectification to the post of Works Inspector of Grade-III to the scale of Rs. 5,000-8,000.

It is contended by the learned counsel that the employee is retired on 30.4.2007, the direction of the tribunal to consider suitability of the

respondent for employment by following selection process cannot be complied with as he is no more an employee and therefore, he cannot appear before the selection committee for the test for selection process. But, however, in view of the fact that the petitioner is no more an employee of the Railway Department, he cannot be said that he should be subjected to selection process. The petitioner cannot be termed to be an employee of the Railway Department for the process of selection to appear before the Selection Committee.

The learned counsel for the respondent also submitted that even if the employee is retired from service, as the judgment of the tribunal was not implemented, he is entitled for the monetary benefits of the judgment of the tribunal.

However, in view of the fact that the Department has not complied with the Order of the tribunal for a period of nearly 9 months, without implementing the directions issued by the Central Administrative Tribunal obtained interim suspension after a period of 9 months, it is a fit case to direct the petitioners to consider the case of the respondent to the next post to that of the Carpentor in Group-C Scale of pay of Rs. 3,050-4590 with effect from 18.5.2001, we direct that the respondent shall be absorbed with effect from 18.5.2001.

However, there shall be a direction that the respondent shall be absorbed permanently in the next post or in a suitable post within a period of three months from the date of receipt of a copy of this order.

It is also made clear that he is also entitled for all the monetary benefits in the said post and the same shall be paid to him.

With the above directions, the Writ Petition is disposed of.

T. MEENA KUMARI, J

G. CHANDRAIAH, J

12.6.2007

CHV